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IS THE MENORAT HA-MAOR A PRODUCT OF FRANCE?

WHILE reading the article in the issue of the *Jewish Quarterly Review* (vol. IX, Nos. 3 and 4) entitled 'Menorat ha-Maor, time and place of composition', by Dr. Israel Efros, a Talmudic question came to my mind. In a discussion of our sages upon the date of the Book of Job, while they generally maintained its historical character, a disciple surprised Rabbi Samuel b. Nachmani by declaring his conviction that 'Job never existed, but the work is a parable, i. e. a moral or religious apologue'. The Rabbi promptly refuted his theory by saying, 'If this is the case why is his name and place recorded?' (Baba bathra 15^a). With the same question I confront Dr. Efros in refutation of his new theory that France is the place of composition of the Menorat ha-Maor and the birthplace of its author. If this is the case, how about his name and country?

In the manifold editions which the book has gone through the title-page reads 'Isaac Aboab ha-Sefardi', which unmistakably indicates that Spain was the place of composition and the author native there. For centuries this book was considered as a product of Spain, and quoted as such by all scholars. The fact that it was published with a Spanish translation in Leghorn as early as 1657, and that according to the opinion of an Amsterdam scholar, R. Hyman Arbich, the author himself made a Spanish translation (*Ozar ha-Sefarim*, by Ben-Jacob, p. 339), sustains the current established opinion that it is a product of Spain. To contradict such an opinion positive evidence must be adduced from the contents of the book, as style, thought, historical allusions, or reference to prevailing customs, to corroborate the new theory. The writer, after furnishing us with (what seems to him) internal evidence in support of his assertion, concludes that Isaac Aboab

ha-Sefardi, though of Spanish origin as the name implies, lived and composed his work not in Spain but in France.

Now, as the burden of proof is on him, let us examine his evidence and ascertain if it is strong enough to overthrow the unanimous opinion.

The first clue the writer offers as evidence is this: in ch. 93, which is mainly an explanation on the benediction called Baruch Sheamar, Aboab says: 'וגם תקנו בהקרמת התהלות ברוך שאמר' 'They have instituted before the Psalms the benediction "Baruch Sheamar".' Now, Abraham of Lunel in his work *Ha-Manhig*, states that the French custom is to say Baruch Sheamar before all the Psalms on Sabbath as well as on the week-days, but the custom of Spain is that the Sabbath Psalms preceded Baruch Sheamar on Sabbath. Our author in making no distinction evidently followed the French custom. This evidence is very flimsy. In the first place, the *Menorat ha-Maor* is not a code of ritual laws, but a moral and ethical collection of gems found in the Talmud and Midrash. The author speaks of some ritual laws, but only in a general way, without going into details, for particulars he refers the reader to his other two books (see chs. 154 and 155); his aim in this chapter is to comment on this benediction and no more. In the second place, his text of Baruch Sheamar is purely Sefardic, because it contains the words 'הגדול, הקדוש, המלך', 'the Great and Holy King', and 'ברוך שמו', 'blessed is He and His name', therefore, no conclusion can be drawn from his silence in the matter of precedence.

Another clue Dr. Efros finds in ch. 103, where the author speaks about the custom of swaying to and fro during prayer, which the *Manhig* holds to be a French custom. Now, if this is evidence, then the *Kuzari* of Jehudah ha-Levi was also composed in France, because the above custom is mentioned and explained in that book (*Kuzari*, book II, sec. 80). And thus by the same argument R. Jacob, the author of the *Tur*, wrote his work in France, because he mentions the above custom in his commentary on the Torah (Exod. 20. 15), Abudraham also

speaks of it as a general custom among all Israel (Warsaw edit., p. 29); also the Zohar comments on this custom (Zohar Pinchas). On the contrary, the trend of the conversation in the Kuzari proves that the custom is universal among the Jews, and not confined to a particular country.

Another allusion to a French custom Dr. Efros finds in ch. 152, where the author speaks about the solemnity of Hoshanah Rabba and says that 'additional Psalms are recited on that day', which the Manhig holds to be a French custom. But neither is this proof convincing, because Abudraham also states that there are places where it is customary to add Psalms and to say Kether in Musaf on Hoshanah Rabba as on holidays, and he alludes to some places in Spain, because he mentions Kether in Musaf which is according to the Sefardic ritual. Accordingly, this custom is not exclusively French.

In ch. 286 where the author speaks about the custom to mourn and abstain from pleasure during the first nine days of the month of Ab, we find a sentence as follows: 'The custom of some is to abstain from meat during this period, especially on the last meal before fasting, on the eighth day of Ab.' On this Dr. Efros says: 'Because he speaks about abstaining from meat during the nine days, and we learn from various sources that it was not a Spanish custom.' I admit that the custom did not prevail in Spain, as Abudraham states that it was only practised by a few, but it appears to me that Dr. Efros misinterpreted the passage. The above sentence does not mean that it was an established custom, but that some scrupulous observers abstain from meat, and this is in accord with Aboab's countryman Abudraham, who states that the custom was not prevalent, but practised only by a few.

Another clue the writer finds in ch. 290, where Aboab quotes from the chapters of R. Eliezer about sounding the Shofar during the month of Elul, which according to the Rosh and Tur is a German Minhag (not, as the writer says, a French). On this the writer remarks, 'Aboab speaks of it as a fixed institution'. I wish to know where he takes it from. Where does it say that

it was an established Minhag? The sentence *וכך התקינו חכמים שיהו תוקעין בראש חדש אלול בכל שנה ושנה* 'and therefore have the wise instituted to sound the Shofar on the first of Elul' is merely a quotation from the chapters of R. Eliezer (ch. 46), and even his own addition of the words *כל החדש* 'the whole month', does not necessarily indicate that it was the Minhag of his place; he may refer to a German Minhag, and as I have said before that this book was not intended to serve as a code of ritual laws, therefore, it was unnecessary for the author to remark that it was a German Minhag, as the Rosh and Tūr do. The writer finds another allusion to a French custom in the same chapter, where Aboab says, 'We also find that it is customary to fast the day before Rosh ha-Shanah', which the Manhig holds to be a French custom; with this the writer concludes his evidence. But he failed to notice that Aboab does not say 'it is customary', but 'we find', i.e. we find some, yet it is not general as in France. This corresponds with the language of Abudraham the Sefardi, who says: 'There are individuals who fast the day before Rosh ha-Shanah' (Warsaw edit., p. 140). After all the aforesaid we see that Dr. Efros's evidence is not convincing, consequently the book remains as it was before, a product of Spain, upon the strength of its tradition, and no further argument is necessary. Nevertheless, to remove any doubt or suspicion, I will point out a few clues which I have discovered in the body of the book favouring the prevailing opinion.

In chapter 337, where the author speaks about the virtue of modesty and the homeliness of immodesty, he quotes from *Masechet Kallah*, chapter 1, where it is related that R. Akiba, seeing a child with uncovered head, said he was sure that the child was the offspring of an incestuous marriage, and Aboab concludes with the quotation that 'bare-headedness is considered great immodesty and pride'. Now the custom of covering the head was first noticeable in the middle ages in Spain. Abraham of Lunel in *Ha-Manhig* states that he found in Spain that the people covered their heads during prayer, a comment which indicates that the practice was not customary in France. In the

thirteenth century boys in Germany and adults in France were called to the law in the Synagogue bare-headed (Darke Moshe to Tur Orach Chaim, 282, note 3). R. Meir b. Baruch of Rothenburg says: 'It is not forbidden to go bare-headed.' Joseph Solomon del Medigo says: 'It is customary in all parts of Italy and in many countries under the dominion of the emperor of Germany, to go with uncovered head' (Mazref Lachochmah, p. 49). Therefore, we may conclude, that had Aboab lived and composed his book in France he would not speak of bare-headedness in so harsh a tone and name it immodesty and pride.

In chapter 80, where Aboab speaks of the significance of circumcision, he says: 'Through its merit the Almighty listens to the prayer of Israel'; this assertion is hinted at in one of the eighteen benedictions, where it says, 'For thou hearest the prayers of every mouth', the numeral value of פֶּה 'mouth' is equal to מִילָה 'circumcision', which is 85, and he construes the sentence to mean 'For thou hearest the prayer of the circumcised'. Abudraham also makes the same remark. This proves conclusively that he followed the Sefardic ritual, for the text of the German and French form of prayer, does not read כִּי אַתָּה שׁוֹמֵעַ בְּכָל פֶּה 'of every mouth', but תַּפְלַת עַמְּךָ יִשְׂרָאֵל בְּרַחֲמִים 'for thou hearest the prayer of thy people Israel in mercy'.

Dr. Efros, not content with opposing the prevalent opinion with regard to place, attempts also to contradict it with regard to time. He disposes of Dr. Zunz's scientific essay—in which it is proved conclusively that Aboab lived about the year 1300—with a stroke of his pen, and concludes that he lived in the last part of the fourteenth century, about 1391, and the early part of the fifteenth. To discuss his new theory of date is not my purpose here. I will quote only one of his arguments in support of date, which disproves his theory of place. In the course of his argument to solve the problem of date, he says: 'The greater part of the fifteenth century must be excluded from the problematic territory, because Aboab is silent about the 'Mourners' Kaddish', which assumed its present aspect early in the fifteenth century, therefore, he cannot be placed at that period. This argument

proves conclusively against his own case; it refutes his new theory with regard to place.

The 'Kaddish' originally has no relation to the prayer, and still less to the dead, because it contains no mention of the dead. It was originally instituted for recitation after completing a Talmudical discourse (Tosaphoth to Berachoth, fol. 3). How and when the custom arose that the mourners recite the Kaddish, and when the belief sprung up that it has a power of redeeming the dead from the suffering of Gehinnom, is not known. This we do know, that the Mourners' Kaddish or the Orphans' Kaddish originated in Germany and France, long before it found a place among the Sefardim. Abudraham the Sefardi, in his book written in the year 1340, has no allusion to it. Simcha of Vitry in France, in his 'Machzor' written in 1208, refers to it plainly by the words, 'The lad stands up and says Kaddish' (Machzor Vitry, p. 74). Isaac of Vienna, who lived in the year 1250, mentions it in his work *Or Zaru'a*. He says: 'The custom of the people in the Rhine-lands is, that the orphan recites Kaddish after the conclusion of the prayer (*Or Zaru'a*, p. 11). Now, had Aboab lived in France in the latter part of the fourteenth century, he would not pass over in silence the Mourners' Kaddish. In chapter 9, where he relates the legend of R. Akiba and the dead man, which is given by many as the source of the orphans' Kaddish, it would have been very appropriate to speak of the Kaddish. This proves conclusively that Aboab lived and wrote his book in Spain where the institution of the Orphans' Kaddish was not yet established until the fifteenth century.

In conclusion I will say that the *Menorat ha-Maor* was recognized by Abraham Zacuto, Azulai, Zunz, and others as a work composed in Spain, and as there is no evidence to the contrary, we must accept the traditional view as authentic, as the inscription of its title-page indicates, 'Isaac Aboab ha-Sefardi'.

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